

REMARKS

The Examiner has rejected claims 1-5, 7-9, 11-13, and 15-17 under 35 U.S.C. §102(b) as anticipated by Kaiser et al, US 5,979,158. The Examiner has objected to claims 6, 10, 14, and 18; but, has stated that they would be allowable if rewritten in independent form containing all the limitations of the claims from which they depend.

Applicants have canceled claims 1, 7, 11, and 15. Applicants have amended claims 2-6, 8-10, 12-14, and 16-18. Applicants have added new claims 19-30.

Applicants have amended claim 3 so that it is now an independent claim containing the subject matter of claims 1 and 3, as initially filed. The Examiner rejected claim 3 as being anticipated by Kaiser et al. However, the Examiner failed to provide information as to how Kaiser et al. anticipate Applicants' limitation "operating the starter motor as a generator after the operating temperature of the exhaust gas treatment device has been reached." Because Kaiser et al. do not show or suggest this limitation, Applicants submit that amended claim 3 is in allowable form and such allowance is requested. Applicants also request allowance of claim 2, which depends from claim 3.

Applicants have rewritten claims 6, 10, 14, and 18 in independent form according to the Examiner's suggestion. The Examiner had stated that such an amendment would place claims 6, 10, 14, and 18 in allowable form. Applicants earnestly request such allowance. Applicants further submit that:

claims 4 and 5, which have been amended to depend from claim 6;

claims 8-9 and 20-23, which depend from claim 10;

claims 12 and 13, which have been amended to depend from claim 14; and

claims 16-17 and 19, which depend from claim 18

should also be in allowable form.


Applicants have added new independent claim 24 and claims 25-30, which depend directly or indirectly from claim 24. Applicants' claim 24 contains the limitation: "continuing to operate both the engine and the starter motor after fuel is provided to the engine." Not only do Kaiser et al. not show such limitation, but teach away from such limitation: "[t]hen the engine operates under its own power and driving of the engine is terminated" as found in column 4, lines 59-61. Because Kaiser et al. do not show each limitation of claim 24, Applicants submit that claim 24 is allowable and allowance is requested. Furthermore, allowance of claims 25-30, which depend from claim 24, is also requested.

No other art is cited in the Office Action. Based on the foregoing comments, the above-identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place

this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No.06-1505.

Respectfully submitted,



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